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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,926	03/20/2001	Robert Douglas Werner	P2660-730	1841

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EXAMINER	
BLENMAN, AVALON	
ART UNIT	**PAPER NUMBER**
2153	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/813,926	WERNER ET AL.	
	Examiner	Art Unit	
	Avalon Blenman	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-135* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☒ Claim(s) *1-135* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is a first action on the merits of this application and is made **NON-FINAL**. Claims 1-135 are currently pending, of which 1, 35, 68, & 102 are independent claims.

Specification

2. The disclosure is objected to because of the following informalities: The phrase "the user can download of video file" (pg. 3, lines 26-27), should have read the user can download *a* video file. Appropriate correction is required.

Claim Objections

3. Claim **17** is objected to because of the following informalities: It is suggested applicant insert the word *to* between "adjacent" and "at least" (line 7). Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims **1, 4, 5, 37, 38, 68, 70, 72, 102, 104, 106** are rejected under 35 U.S.C. 102(e as being anticipated by **Thompson et al. (US 2002/0077900)**, hereinafter Thompson.

6. In considering independent claims **1, 68, & 102**, Thompson discloses a method for playing full screen video on a user computer comprising:

- displaying in a user interface at said user computer a web page containing at least one link to an electronic video file [fig. 4, step 10, ¶0017, ¶0022];
- selecting said link to request said video file [fig. 4, step 10, ¶0022];
- downloading said video file to said user computer in response to said request [fig. 4, step24, ¶0025];
- detecting by said user computer an initial receipt of said video file [fig. 4, step24, ¶0025];
- opening in said user interface a window of a video player in full screen mode in response to said detecting [fig. 4, step26, ¶0025]; and
- reading said video file by said player to play said video in said window [fig. 4, step26, ¶0025].

7. In considering claims **2, 69, &103**, Thompson inherently discloses:

- detecting by said web server of header information for said video file [¶0025];

[*Examiner notes that it is inherent that the browser would have to detect the file header in order to determine the appropriate "content type" and thereafter launch the media player.*]

- launching by said web browser said player [fig. 4, step 26, ¶0025].

8. In considering claims **4, 37, 70, & 104**, Thompson discloses:

- said opening occurs absent user interaction [fig. 4, step 26, ¶0025].

9. In considering claims **5, 38, 72, & 106**, Thompson discloses:

- sending a request from said user computer to a server at which said video file is locatable [fig. 4, step 10, ¶0017, ¶0022]; and
- in response to said request, downloading said video file from said server to said user computer [fig. 4, step 24, ¶0025].

10. In considering claims **6, 39, 73, & 107**, Thompson discloses:

- said reading occurs contemporaneously with said downloading ("streaming video") [¶0025, claim 12].

11. In considering claims **16, 49, 83, 117, & 126**, Thompson discloses:

- said opening includes generating in said window a viewing screen area and a border adjacent at least one edge of said viewing screen area, said video being played in said viewing screen area [fig. 4, step26, ¶0025].

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims **12-14, 21-23, 45-47, 54, 56, 79-80, 88-90, 113 &** 122 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Thompson**.

14. In considering claims **12-14, 21-23, 45-47, 54, 56, 79-80, 88-90, 113 & 122**, Thompson in view of Abato do not explicitly disclose instructions relating to a download status of said video. Nonetheless, Examiner takes official notice that it was notoriously well known at the time of the invention to download status indicators (time remaining indicator) including a refreshable status bar and hash marks.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system/method disclosed by Thompson to include status indicators. This would have been a desirable feature to indicate to the user, the time remaining for the video content to be downloaded, played or buffered.

15. Claims **3, 35, 71, & 105** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Thompson** as applied to claim 1 above, and further in view of **Yagasaki et al. (US 5,862,300)**, hereinafter Yagasaki.

16. In considering claims **3, 71, & 105**, Thompson does not explicitly disclose a player detecting a header flag. Nonetheless, in analogous art, Yagasaki discloses a method (fig. 3) of reading a header of a video file and displaying the video in a specified mode. Yagasaki further discloses:

- detecting by said player a flag ("edge_crop_flag")in header information for said video file; and opening said window in a mode indicated by said flag [col. 4, lines 50-56, coll. 9, lines 63-67, col. 10, lines 25-37].

Given the teachings of Yagasaki, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system/method disclosed by Thompson where the video header would contain a mode flag. The motivation, as suggested by Yagasaki, would be to specify how to display the video [col. 4, lines 54-56].

17. In considering claim **35**, Thompson discloses in a computer network having a server, at least one web page accessible through said server and a user computer programmed with browser software to display a copy of said web page when connected to said server, an apparatus comprising:

- said video file being identified by a link in said web page, said web server downloading said video file to said user computer in response to selection of said link, said browser software detecting said header [fig. 4, step 10, ¶0017, ¶0022];and

  [*Examiner notes that it is inherent that the browser would have to detect the file header in order to determine the appropriate "content type" and thereafter launch the media player.*]
- a video player executable in said user computer, said player being launched in response to said browser detecting said header to receive said video file during downloading thereof [fig. 4, step26, ¶0025];

Thompson does not explicitly disclose a mode video header with a mode flag, nonetheless, Yagasaki discloses:

- video player opening in a mode indicated by said mode flag ("edge_crop_flag") [col. 4, lines 50-56, coll. 9, lines 63-67, col. 10, lines 25-37].
- a video file having a header, said header having a mode flag [col. 4, lines 50-56, coll. 9, lines 63-67, col. 10, lines 25-37].

18. Claims **7-11, 15, 19, 20, 40-43, 52, 53, 74-78, 86, 87, 108-112, & 119-121** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Thompson** as applied to claim 1 above, and further in view of **Abato et al. (US 6,513,069)**, hereinafter Abato.

19. In considering claims **7, 40, 74, & 108**, while Thompson discloses downloading a video file to a user computer, Thompson does not explicitly disclose compressing and decompressing the video file. Nonetheless, in analogous art, Abato discloses downloading a video to a user computer (col. 5, lines 41-49). Abato further discloses:

- compressing said video file prior to said downloading [col. 5, lines 49-53; and
- decompressing said video file contemporaneously with said reading [col. 10, lines 56-67].

Given the teachings of Abato, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system/method disclosed by Thompson where the video file would be compressed prior to downloading and decompress contemporaneously with said reading. This would have been a desirable feature to minimize resources by utilizing a lower bandwidth to transmit the video files over the Internet.

20. In considering claims **8, 41, 75, & 109**, Abato discloses:

- encoding said video file with a plurality of tracks [col. 9, lines 13-18, col. 10, lines 56-60];

  [The MPEG video files will inherently be encoded with video and audio tracks.]
- inserting instructions into a selected one of said tracks [col. 5, lines 56-67];
- reading said instructions by said player [col. 10, lines 45-55]; and

- displaying in said window information associated with said instructions [col. 10, lines 45-55].

21. In considering claims **9, 42, 76, 110, & 119**, Abato discloses:

- inserting an instruction relating to a URL of a selected website, said displaying in response to said instruction displaying a link to said website [col. 10, line 1-21].

22. In considering claims **10, 19, 43, 52, 77, 86, 111, & 120**, Abato discloses:

- displaying a hypertext link anchored to said URL [col. 10, line 1-21].

23. In considering claims **11, 20, 44, 53, 78, 87, 112, 121**, Abato discloses:

- displaying an icon anchored to said URL [col. 20, lines 60-61].

24. In considering claim **15**, Thompson discloses:

- inserting an instruction relating to additional video content, said displaying in response to said instruction displaying said additional content [col. 10, lines 45-55].

25. In considering claim **17**, Abato discloses:

- encoding said video file with a plurality of tracks [col. 9, lines 13-18, col. 10, lines 56-60];

  [The MPEG video files will inherently be encoded with video and audio tracks.]

- inserting a plurality if digitally encoded instructions into a selected one of said tracks [col. 5, lines 56-67];
- reading said instructions by said a handler program associated with said player [col. 10, lines 45-55]; and
- displaying selectively in a screen area and a border adjacent at least one edge of said screen area and said information associated with said instructions [col. 10, lines 45-55].

26. In considering claims **18**, Abato discloses:

- inserting an instruction relating to a URL of a selected website, said displaying in response to said instruction displaying a link to said website within said border [col. 10, line 1-21].

27. In considering claim **24**, Abato discloses:

- inserting an instruction relating to additional video content, said displaying in response to said instruction playing said content within said viewing screen [col. 10, lines 45-55].

28. In considering claims **25, 58, & 92**, Abato discloses:

- said playing said content within said viewing screen occurs prior to playing said video [col. 10, lines 45-55].

29. In considering claims **26, 59, 93, & 127**, Abato inherently discloses:

- buffering other ones of said tracks of said video file as it is being received at said user computer while playing said additional content from said selected one of said tracks within said viewing screen [*inherent feature of streaming content*, col. 2, lines 53-60, col. 10, lines 45-67].

30. Claims **27-31, 58, 60-64, 92, 94-98, & 128-132** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Thompson** in view of **Abato**, and further in view of **LaJoie et al. (US 6,049,333)**, hereinafter LaJoie.

31. In considering claims **27, 60, 94, & 128**, while Thompson in view of Abato teach inserting instructions in to the video, Thompson in view of Abato do not explicitly teach displaying a button for said addition additional video. Nonetheless, in analogous art, LaJoie discloses a method for playing a full screen video on a user computer (col. 12, lines 41-49). LaJoie further discloses:

- inserting an instruction relating to at least one additional video, said displaying in response to said instruction displaying a button (fig. 3, # 72) for said additional video [fig. 10, step 10, col. 9, lines 7-26].

Given the teachings LaJoie, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system/method disclosed by Thompson and Abato to insert an instruction relating to at least one addition video

content. The motivation, as suggested by LaJoie, would be to create an interactive screen where the user could request additional video content [col. 9, lines 53-55].

32. In considering claims **28, 61, 95, & 129**, LaJoie discloses:

- downloading an additional video file corresponding to said additional video to said user computer in response to selecting said button [col. 10, lines 29-42].

33. In considering claims **29, 62, 96, & 130**, LaJoie discloses:

- said inserting includes inserting an instruction relating to said video, said displaying in response to said instruction relating to said video displaying a button for said video [col. 10, lines 29-42].

34. In considering claims **30, 63, 97, & 131**, LaJoie discloses:

- said button for said video and said button for said additional video each uniquely identify a respective one of said video and said additional video [fig. 5, #20, 82, & 84,col. 9, lines 53-62].

35. In considering claims **31, 64, 98, & 132**, LaJoie discloses:

- selecting any button plays said respective video for said any button [col. 10, lines 29-42].

36. In considering claims **33, 66, 100, & 134**, LaJoie implicitly discloses:

- said instructions relate to the display size of said video ("content region") within said window [col. 10, lines 29-42].

37. In considering claims **32, 65, 99, & 133**, Abato discloses:

- encoding said video with a plurality of tracks [col. 9, lines 13-18, col. 10, lines 56-60];

  [The MPEG video files will inherently be encoded with video and audio tracks.];
- inserting instructions into a selected one of said tracks [col. 5, lines 56-67];
- reading said instructions by a handler program associated with said player [col. 10, lines 45-55]; and
- monitoring selectively download of said video file in accordance with said instructions [col. 10, lines 45-55].

38. In considering claims **34, 67, 101, & 135**, Abato discloses:

- said instructions relate to download management of said video file [col. 10, lines 45-55].

Conclusion

39. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avalon Blenman whose telephone number is (571) 272-5864. The examiner can normally be reached on Mon-Fri, 7:00 AM - 4:30 PM (even date Mons. off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avalon Blenman
Art Unit 2153
11/21/2005

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